

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

VIDEO GAMING TECHNOLOGIES, INC.,

Plaintiff,

v.

CASTLE HILL STUDIOS LLC, *et al.*

Defendants.

CASE NO. 17-CV-00454-GKF-JFJ

**DEFENDANTS' MOTION FOR LEAVE TO FILE
EXHIBIT TO SUPPLEMENT SUMMARY JUDGMENT RECORD**

Defendants Castle Hill Studios, LLC, Castle Hill Holdings, LLC, and Ironworks Development, LLC (collectively, "Defendants" or "Castle Hill"), move for leave to file an additional exhibit to supplement their summary judgment record.

Castle Hill's motion for summary judgment, brief in support of motion for summary judgment, and supporting declaration contained 93 total exhibits. Due to filing size, the filing was broken into several parts. The final exhibit to the Declaration of Robert C. Gill in Support of Defendants' Motion for Summary Judgment, Exhibit 93, caused significant difficulty loading into the ECF system due to the apparent file size and ultimately was not filed.

Castle Hill respectfully requests that the Court allow Castle Hill leave to file Exhibit 93 to the Declaration of Robert C. Gill in Support of Defendants' Motion for Summary Judgment and have the same be considered as part of the summary judgment record. Exhibit 93 is comprised of public trademark documents that Plaintiff, Video Gaming Technologies, Inc. ("VGT") filed with the United States Patent and Trademark Office relative to its Mr. Money Bags design mark (Reg. No. 3,152,743), one of the marks cited in VGT's Amended Complaint and which appears to remain as part of its trademark claims. *See* Doc. 103, ¶ 19; Doc. 143. These documents were produced by VGT in discovery, and they are Bates stamped with a range of VGT0065805-VGT0065920. These

public documents are relevant to the issues raised in Castle Hill's motion for summary judgment, and Castle Hill respectfully requests leave to supplement the summary judgment record with this exhibit.

III. CONCLUSION

For the foregoing reasons, Castle Hill respectfully requests that the Court grant leave to file Exhibit 93 to the Declaration of Robert C. Gill in Support of Defendants' Motion for Summary Judgment.

Dated: October 19, 2018

Respectfully submitted,

/s/ Robert C. Gill

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October, 2018, a copy of the foregoing **DEFENDANTS' MOTION FOR LEAVE TO FILE EXHIBIT TO SUPPLEMENT SUMMARY JUDGMENT RECORD** was filed on the ECF, which caused a copy to be served on the following counsel for Plaintiff:

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